

REVENUE DEPARTMENT,
OOTACAMUND,
18th August 1871.

No. 163.

No. 1,406.

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
FINANCIAL DEPARTMENT.

Miscellaneous.

Sir,—I am directed to request
you will submit the following case for
the favourable consideration of His

Excellency the Governor-General in Council :—

2. In April 1870 Mr. Maltby, Acting Senior Assistant Collector of Ganjam, applied for one month's privilege leave to which he was entitled, but owing to an erroneous objection raised in the Account Department (which was subsequently rectified by Government), and to the correspondence consequent thereon, he was precluded from taking the leave until September 1870.

3. He has now been allowed six months' leave on urgent private affairs, with the usual preparatory leave, but the Account Department object to his enjoying the advantages of privilege leave during his preparatory leave, on the ground that he has not been back at duty eleven months since his last return from leave.

4. Mr. Maltby urges that this defect in the grounds of his claim is due to the unfounded objection formerly raised by the Account Department, which, without real reason, forced him to delay taking his leave from May till September 1870, and that, had he been able to do as he desired, and was properly entitled to do, he would now have been on continuous duty from the end of May 1870, and therefore entitled to a month's privilege leave, and to enjoy the benefits of privilege leave on the preparatory leave which has been granted to him.

5. He prays that he may not be exposed to the additional penalty of loss of half pay during this preparatory leave, in consequence of the former groundless objection raised by the Account Department, which then exposed him to considerable inconvenience and this Government support his prayer.

I have the honour to be,

Sir,

Your most obedient servant.

(Signed) A. DEC. SCOTT, Captain, R. E.,
Under-Secy., P.W.D.,
for Secy. to Govt.

N. 3711
Copy forwarded to the Accountant General Madras
for report. It is requested that the objection raised
in the first case may be stated. By order &c.

Erd. F. R. Battleman.

Similar
Financial Dept.
The 20 September 1871

/Signed/ Westland
Under Secretary
to the Govt. of India

Fort St. George
Assistant General's Office
2^d October 1871

The Offg. Asst. General
Fort St. George

The Secretary to the Government of India
Financial Department
Simla

I have the honor with reference to
Mr. Under Secretary Westland's order
dated 20th September 1871, the 20th instant upon the
letter of the Government of Madras No 1006
dated 18th October 1870 Revenue Department, to
submit the following report.
Mr. J. J. Malby, then Assistant Coll.
of Trichinopoly was granted examination leave
for one month in November 1869. According
to the report received from him in this Office,
he availed himself of that leave on the
morning of the 18th December 1869 and returned
to duty on the afternoon instead of on the
forenoon of the 18th January 1870. He was
therefore received as having absented himself
without leave on that date and accordingly
his pay for the day was retrenched in full.

In April 1870 Mr Maltby applied for a month's Privilege leave which was objected to by this Department on the ground that the fact of his having absented himself without leave for one day on the 18th January 1870 as stated in the preceding para and of having lost his pay for the day vitiated his claim to Privilege leave previously earned and that he had not served for eleven months from date of return to duty to be entitled to fresh leave. Vide Orders of Government in the Financial Dept. No 1728 dated 29 July and No 3157 dated 21st October 1857.

Mr Maltby having however subsequently explained that he signed by mistake the Certificate that he had given over charge of his appointment on the forenoon of the 18th December 1869 (prior to his availing himself of his examination leave) but that he did not virtually make over charge until the afternoon of that day, the Madras Government authorized him to amend his Certificate. Vide Proceedings of Government in the Revenue Department No 112 dated the 8 July 1870, copy accompanying. This Department thereupon withdrew its retrenchment of Mr Maltby's Pay for the 18th January 1870 and reported him upon his second application in the early part of August 1870

1870 to be eligible to one month's Privilege leave, which he availed himself of under the sanction of Government from the 2nd September of that year.

It will thus be seen that the course pursued by this Department was in accordance with rule and that the Madras Government in para 2 of their order above cited considered that this Office had properly stopped Mr Maltby's pay. In July last when Mr Maltby applied for 6 months special leave and one month's Preparatory leave he was reported as ineligible to Privilege leave pay during preparatory leave, as he had not served 11 months from date of return from last leave, viz. 2nd October 1870.

I have
signed / G. Fitzgerald
offg Asst. Secy

/ True Copy /
D. W. S. S. S.
Asst. to the Asst. Secy

Copy

Letter from the Account
given to the Synod of the
22 October 1874/1875

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Handwritten text in a cursive script, likely a signature or additional notes, located in the lower left corner of the left page.

Handwritten text in a cursive script, likely a signature or additional notes, located at the bottom of the left page.